

**REMARKS**

**Summary of the Office Action**

Claims 17-22 and 4-6 stand rejected to under 35 U.S.C. § 101 because claims 1-8 are directed to a recording medium storing descriptive material.

Claims 17-22 and 4-6 stand rejected to under 35 U.S.C. § 102(e) as being anticipated by Khavakh et al. (US 2003/0028319 A1).

Claims 9-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Khavakh et al. (US 2003/0028319 A1) in view of Sawabe et al. (US 2002/0176695 A1).

**Summary of the Response to the Office Action**

Claims 17 and 20 have been amended to more particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Accordingly, claims 4-6 and 9-22 are presently pending for consideration.

**All Claims Define Patentable Subject Matter under 35 U.S.C. § 101**

Claims 17-22 and 4-6 stand rejected to under 35 U.S.C. § 101 because claims 1-8 are directed to a recording medium storing descriptive material. Applicants presume that the reference to “claims 1-8” is a typographical error in the Office Action. Applicants are responding to this rejection based on the Examiner’s comments at pages 2 -4 of the Office Action.

The Examiner asserts at page 2 of the Office Action that claims 17 and 20 do not overcome the 35 U.S.C. § 101 because the “navigation system” does not have patentable weight. Further, the Examiner asserts that there is no functional relationship between a data structure and other aspects of the invention, which will permit the data structure’s functionality to be realized. By way of the foregoing Amendment, Applicants have amended independent claims 17 and 20 to address the Examiner’s concerns. In particular, Applicants have amended independent claims 17 and 20 to impart a functional interrelationship between the navigation information recorded on the recording medium and the navigation system, which will permit the navigation system’s functionality to be realized. Accordingly, Applicants respectfully submit that newly-amended independent claims 17 and 20, and, accordingly, also their dependent claims 4-6, 18, 19, 21 and 22, fully comply with the requirements of 35 U.S.C. § 101. Accordingly, withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

**All Claims Define Allowable Subject Matter under 35 U.S.C. § 102**

Claims 17-22 and 4-6 stand rejected to under 35 U.S.C. § 102(e) as being anticipated by (US 2003/0028319 A1) to Khavakh et al. To the extent that this rejection is considered to apply to independent claims 17 and 20, as amended, the rejection is respectfully traversed as being based upon a reference that neither anticipates nor suggests the novel combination of features now recited in independent claim 1. For example, claim 17 now recites, amongst other features, “a plurality of navigation information for maps having a same attribute are recorded on a same one of the plurality of recording layers and is readable by the navigation system.” Another

example is that claim 20 now recites, amongst other features, “each one of the plurality of navigation information for one of the plurality of maps is in a same area of at least two of the plurality of recording layers and is readable by the navigation system.”

In contrast to the recording layers recited in the present claims, the layers described in Khavakh et al. are not recording layers within a recording medium. Khavakh et al. discloses at paragraph [0036] with regard to the block diagram in Figure 3 that layers 0 to n are stored in a database. However, there is no explicit description in the specification of Khavakh et al. with regard to a recording medium having a plurality of layers.

Khavakh et al. indicates at paragraph [0034] that a CD-ROM or a DVD can be a storage medium for the database. Applicants respectfully submit that a CD-ROM only has one recording layer, a PCMIA card does not have recording layers and that a DVD only has two recording layers. Thus, it is clear that storage medium for the database of Khavakh et al. is a CD-ROM, PCMIA card or DVD, and that layers 0 to n are not layers of storage medium. Applicants respectfully assert that the layers described in Khavakh et al. are merely layers of a ranking system for cataloging roads that have been ranked. Applicants further respectfully assert that there is absolutely no disclosure in Khavakh et al. with regard to recording layers in a recording medium, much less recording layers readable by a navigation system, as recited in at least newly-amended independent claims 17 and 20.

For at least the above reasons, Applicants respectfully submit that independent claims 17 and 20, and hence dependent claims 4, 5, 6, 18, 19, 21 and 22, all recite a novel combination of features that are neither anticipated nor suggested by Khavakh et al.

**All Claims Define Allowable Subject Matter under 35 U.S.C. § 103**

Claims 9-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Khavakh et al., in view of Sawabe et al. (US 2002/0176695 A1). The rejection is traversed as being based upon references that do not teach or suggest, either singly or in combination, all of the features recited in the claims 9-16. For example, independent claim 9, and hence dependent claims 10-14, are directed to an information reproducing apparatus for reproducing information from a recording medium having a plurality of recording layers, on each of which navigation information is recorded, wherein navigation information having a same attribute is recorded in a same one of the plurality of recording layers. In another example, independent claim 15, and hence dependent claim 16, is directed to an information reproducing apparatus for reproducing information from a recording medium having a plurality of recording layers, in which there are a plurality of areas and on each of which navigation information is recorded, wherein navigation information having a same attribute is recorded in a same area of each of the plurality of recording layers.

Applicants respectfully assert that Khavakh et al. discloses a system for storing roads in bands within a database rather than disclosing an apparatus in which information is stored in the recording layers of a recording medium, as discussed above. Accordingly, Applicants respectfully assert that Khavakh et al. does not teach or suggest all of the features recited in claims 9-16. Moreover, Applicants respectfully assert that the Office Action does not rely on Sawabe et al. to teach or suggest an arrangement of navigation information on the recording

layers of a recording medium. Applicants submit that Sawabe et al. discloses an apparatus for reading a DVD but does not disclose where, how, or what type of information is stored on the DVD. Thus, Sawabe et al. does not remedy the deficiencies of Khavakh et al. For at least these reasons, Applicants respectfully assert that the rejection of claims 9-16 under 35 U.S.C. 103(a) should be withdrawn.

**CONCLUSION**

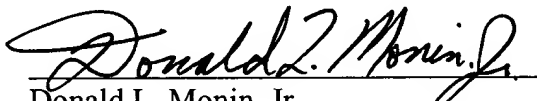
In view of the foregoing, Applicants request the entry of this Amendment to place the application in clear condition for allowance or, in the alternative, in better form for appeal.

Applicants also request the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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